

# HOUSE BILL 1105

L2

(11r0487)

## ENROLLED BILL

— Environmental Matters/Budget and Taxation —

Introduced by **Prince George’s County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o’clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George’s County – School Facilities ~~Surcharge for Surcharge~~**  
3 **Exemption – Replacement of Existing Single-Family Dwelling Unit *in the***  
4 **Rural Tier**

5 **PG 408–11**

6 FOR the purpose of ~~altering repealing certain conditions on the applicability of~~  
7 establishing an exemption to the Prince George’s County school facilities  
8 surcharge ~~exemption~~ for a replacement single-family dwelling unit built on the  
9 same lot as a previously existing single-family dwelling unit *in the Rural Tier of*  
10 Prince George’s County; requiring the County Executive of Prince George’s  
11 County to include in a certain report certain information about any exemptions  
12 granted to the school facilities surcharge ~~by repealing provisions limiting the~~  
13 ~~exemption to dwellings destroyed by fire, explosion, or natural disaster;~~  
14 ~~providing for the retroactive application of this Act; defining a certain term;~~

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 providing for the termination of this Act; and generally relating to the  
 2 applicability of the school facilities surcharge in Prince George's County.

3 BY repealing and reenacting, with amendments,  
 4 The Public Local Laws of Prince George's County  
 5 Section 10–192.01  
 6 Article 17 – Public Local Laws of Maryland  
 7 (2003 Edition and 2005 Supplement, as amended)  
 8 (As enacted by Chapter 431 of the Acts of the General Assembly of 2003,  
 9 Chapter 166 of the Acts of the General Assembly of 2007, and Chapter  
 10 108 of the Acts of the General Assembly of 2008)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 17 – Prince George's County**

14 10–192.01.

15 **(A) IN THIS SECTION, “NEW RESIDENTIAL CONSTRUCTION” DOES NOT**  
 16 **INCLUDE THE IMPROVEMENT, RENOVATION, OR EXPANSION OF:**

17 **(1) AN EXISTING DWELLING; OR**

18 **(2) AN EXISTING DWELLING UNIT.**

19 ~~(a)~~ **(B)** (1) The County Council, by ordinance, shall impose a school  
 20 facilities surcharge on new residential construction for which a building permit is  
 21 issued on or after July 1, 2003.

22 (2) (A) Except as provided under subparagraph (B) of this  
 23 paragraph, the County Council may impose a school facilities surcharge on new  
 24 residential construction for which a building permit is issued on or after July 1, 2003,  
 25 by a municipal corporation in Prince George's County with zoning authority and the  
 26 authority to issue building permits.

27 (B) The County Council may not impose a school facilities  
 28 surcharge on new residential construction for which a building permit is issued by a  
 29 municipal corporation if Prince George's County has collected a surcharge on issuance  
 30 of a County permit for the same new residential construction.

31 ~~(b)~~ **(C)** (1) (A) For Fiscal Year 2004, a school facilities surcharge  
 32 imposed on a single-family detached dwelling, townhouse, or dwelling unit for any  
 33 other building containing more than a single dwelling unit shall be in the amount of:

1 (i) Except as provided in items (ii) and (iii) of this  
2 subparagraph, Twelve Thousand Dollars (\$12,000);

3 (ii) Seven Thousand Dollars (\$7,000) if the building is  
4 located between Interstate Highway 495 and the District of Columbia; and

5 (iii) Seven Thousand Dollars (\$7,000) if the building is  
6 included within a basic plan or conceptual site plan that abuts an existing or planned  
7 mass transit rail station site operated by the Washington Metropolitan Area Transit  
8 Authority.

9 (B) For Fiscal Year 2005 and each succeeding fiscal year, the  
10 facilities surcharge established in subparagraph (A) of this paragraph shall be  
11 adjusted for inflation in accordance with the Consumer Price Index for all urban  
12 consumers published by the United States Department of Labor, for the fiscal year  
13 preceding the year for which the amount is being calculated.

14 (2) The school facilities surcharge does not apply to a mixed  
15 retirement development or elderly housing.

16 (3) The school facilities surcharge does not apply to a single-family  
17 detached dwelling that is to be built or subcontracted by an individual owner in a  
18 minor subdivision and that is intended to be used as the owner's personal residence.

19 (4) (A) The school facilities surcharge does not apply to  
20 multi-family housing designated as student housing that is located in:

21 (i) The area bounded by Maryland Route 193 to the west  
22 and north, U.S. Route 1 to the east, and the southern boundary of the City of College  
23 Park to the south;

24 (ii) The area bounded by U.S. Route 1 to the west,  
25 Berwyn House Road to the north, Rhode Island Avenue to the east, and Lakeland  
26 Road to the south;

27 (iii) The area bounded by U.S. Route 1 to the west, Paint  
28 Branch Parkway to the north and east, Rhode Island Avenue to the east, and College  
29 Avenue to the south;

30 (iv) The area bounded by University Boulevard to the  
31 north, Adelphi Road to the east, Stanford Street to the south, and University Hills  
32 Park to the west;

33 (v) The area bounded by the eastern boundary of Paint  
34 Branch Stream Valley Park to the west, Park Road and a line extending from the  
35 western end of Park Road directly west to Paint Branch Stream Valley Park to the

1 north, U.S. Route 1 to the east, and Erie Street and a line extending from the western  
2 end of Erie Street directly west to Paint Branch Stream Valley Park to the south;

3 (vi) The area bounded by Autoville Drive and a line  
4 extending from the southern end of Autoville Drive directly south to Maryland Route  
5 193 to the west, Erie Street to the north, U.S. Route 1 to the east, and Maryland Route  
6 193 to the south; or

7 (vii) The area bounded by U.S. Route 1 to the west,  
8 Maryland Route 193 to the north, 48th Avenue to the east, and Greenbelt Road to the  
9 south.

10 (B) Subject to the approval of the County Council and the  
11 municipality where the multi-family housing is located, the school facilities surcharge  
12 does not apply to multi-family housing designated as student housing for any areas  
13 not listed under subparagraph (A) of this paragraph in the City of College Park, the  
14 City of Hyattsville, and the Town of Riverdale Park.

15 (C) If the housing is converted from student housing to  
16 multi-family housing for the general population, the owner of the property shall pay,  
17 at the time of the conversion, the school facilities surcharge in accordance with the  
18 laws at the time of the conversion.

19 (5) (A) The school facilities surcharge does not apply to a  
20 single-family dwelling unit that is to be built or subcontracted by an individual owner  
21 to replace on the same lot a previously existing single-family dwelling unit ~~that was~~  
22 ~~destroyed by fire, explosion, or a natural disaster~~ if the single-family dwelling unit  
23 is:

24 (I) SIMILAR TO THE PREVIOUSLY EXISTING  
25 SINGLE-FAMILY DWELLING UNIT; AND

26 (II)

27 ~~[(i)] (A) Similar to the previously existing single-family dwelling~~  
28 ~~unit; and~~

29 ~~[(ii)] (B) Owned~~ OWNED OWNED and occupied by the same  
30 individual who owned and occupied the previously existing single-family dwelling  
31 unit.

32 (B) IN THE RURAL TIER, AS DEFINED BY THE PRINCE  
33 GEORGE'S COUNTY APPROVED GENERAL PLAN, AS AMENDED, THE SCHOOL  
34 FACILITIES SURCHARGE DOES NOT APPLY TO A SINGLE-FAMILY DWELLING UNIT  
35 THAT IS TO BE BUILT OR SUBCONTRACTED BY AN INDIVIDUAL OWNER TO  
36 REPLACE ON THE SAME LOT A PREVIOUSLY EXISTING SINGLE-FAMILY DWELLING

1 **UNIT IF THE SINGLE-FAMILY DWELLING UNIT IS OWNED AND OCCUPIED BY THE**  
 2 **SAME INDIVIDUAL WHO OWNED AND OCCUPIED THE PREVIOUSLY EXISTING**  
 3 **SINGLE-FAMILY DWELLING UNIT.**

4 ~~(D)~~ **(D)** The school facilities surcharge shall be paid by the seller at the  
 5 time a building permit is issued for the dwelling unit. The school facilities surcharge  
 6 may not be construed to be a settlement cost.

7 ~~(E)~~ **(E)** Payment of the school facilities surcharge does not eliminate any  
 8 authority to apply any test concerning the adequacy of school facilities under the  
 9 County's adequate public facility ordinance.

10 ~~(F)~~ **(F)** Revenue collected under the school facilities surcharge shall be  
 11 deposited in a separate account and may only be used to pay for:

12 (1) Additional or expanded public school facilities such as renovations  
 13 to existing school buildings or other systemic changes; or

14 (2) Debt service on bonds issued for additional or expanded public  
 15 school facilities or new school construction.

16 ~~(G)~~ **(G)** Revenue collected under the school facilities surcharge is intended  
 17 to supplement funding for public school facilities and may not supplant other County  
 18 or State funding for school construction.

19 ~~(H)~~ **(H)** The County Executive of Prince George's County shall prepare an  
 20 annual report on the school facilities surcharge on or before August 31 of each year for  
 21 the County Council of Prince George's County, the Prince George's County Senate  
 22 Delegation, and the Prince George's County House Delegation, to include:

23 (1) A detailed description of how fees were expended; ~~and~~

24 (2) The amount of fees collected; **AND**

25 **(3) REGARDING AN EXEMPTION FROM THE PAYMENT OF THE**  
 26 **SCHOOL FACILITIES SURCHARGE:**

27 **(A) THE NUMBER OF PROPERTIES FOR WHICH AN**  
 28 **EXEMPTION WAS GRANTED UNDER THIS SECTION;**

29 **(B) THE TYPE OF EXEMPTION GRANTED; AND**

30 **(C) FOR EACH TYPE OF EXEMPTION, THE AMOUNT THAT**  
 31 **WOULD HAVE BEEN PAID IF AN EXEMPTION HAD NOT BEEN GRANTED.**

1        ~~(h)~~ **(I)**        This Section does not apply to any property located in an  
2 infrastructure finance district approved before January 1, 2000.

3        ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~  
4 ~~construed to apply retroactively and shall be applied to and interpreted to affect any~~  
5 ~~certificate of sale or assignment of certificate of sale recorded on or after January 1,~~  
6 ~~2009.~~

7        SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect June 1, 2011. *It shall remain effective for a period of 2 years and, at the end of*  
9 *May 31, 2013, with no further action required by the General Assembly, this Act shall*  
10 *be abrogated and of no further force and effect.*

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.